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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDREW THOMAS UPTON,

No. C 06-07854 WHA

Petitioner,

v.

**REQUEST RE STATE COURT
PROCEEDINGS**

MIKE KNOWLES,

Respondent.

The Court requests both parties to explain where in the state court habeas proceedings petitioner requested an evidentiary hearing and where in the state court record petitioner submitted declarations and other documents in support thereof. The Court also requests petitioner to respond to respondent's claim that the new declarations submitted with the traverse (namely, the declarations of Jon Berryhill and William Danser) render petitioner's claim of ineffective assistance of counsel unexhausted. Please submit briefing and new declarations in support thereof by **FRIDAY, SEPTEMBER 21, 2007, at NOON.**

Dated: September 18, 2007.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE